

BEFORE THE
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad
Between BNSF M.P. 32.70 in Beatrice
and M.P. 42.16 in Wymore in
Gage County, Nebraska

NOTICE OF EXEMPTION
Docket No. AB-6
(Sub-No. 391X)



TO THE SURFACE TRANSPORTATION BOARD:

204891

DID# 0101900001

The Burlington Northern and Santa Fe Railway (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between BNSF M.P. 32.70 in Beatrice and M.P. 42.16 in Wymore, in Gage County, Nebraska, a total distance of 9.46 miles, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the Notice, respectfully provides the following information:

FEE RECEIVED

- I. Proposed consummation date for the abandonment.

MAR 01 2002

April 19, 2002

- II. Certification required in 49 C.F.R. § 1152.50(b)

**SURFACE
TRANSPORTATION BOARD**

The attached Certification of Michael Smith certifies that no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no local traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

- III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

FILED

MAR 01 2002

**SURFACE
TRANSPORTATION BOARD**

**ENTERED
Office of the Secretary**

MAR 06 2002

Part of
the Record

(a) General

- (1) Exact name of Applicant.

The Burlington Northern and Santa Fe Railway
Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Beatrice to Wymore, Nebraska line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr., Suite 3000
Chicago, IL 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Beatrice to Wymore, Nebraska line traverses United States Postal Service Zip codes 68310, 68318 and 68466.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

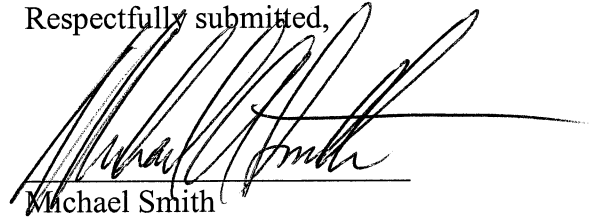
The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met. attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", is written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

VERIFICATION

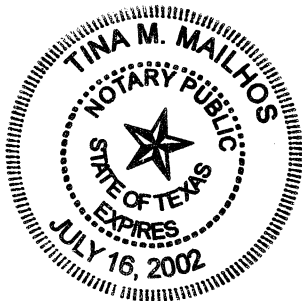
STATE OF TEXAS)
)ss
COUNTY OF TARRANT)

Richard A. Batie makes oath and says he is Manager, Shortline Development in the Network Development department of The Burlington Northern and Santa Fe Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 391X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is overhead traffic that can be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.

Richard A. Batie

Richard A. Batie
Manager, Shortline Development

Subscribed and sworn to before me the 13 day of February 2002.

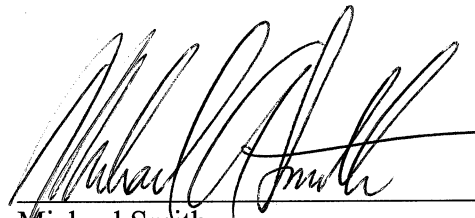


Tina M. Mailhos
Notary Public

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
NO. AB-6 (Sub No. 391X)

CERTIFICATION

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Nebraska Public Service Commission; the Nebraska Department of Roads; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on January 22, 2002; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on January 22, 2002; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on January 22, 2002; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on January 30, 2002 in the Beatrice Daily Sun, affidavits of publication are attached.

A handwritten signature in black ink, appearing to read 'Michael Smith', is written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA, }
GAGE COUNTY } SS.

NOTICE OF INTENT TO ABANDON

The Burlington Northern and Santa Fe Railway Company gives notice that on or after February 11, 2002, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F --Exempt Abandonments permitting the abandonment of or discontinuance of service on 9.46 miles of railroad line between railroad milepost 32.70 near Beatrice and milepost 42.16 in Wymore, which line segment traverses through United States Postal Zip Codes 68310, 68318 and 68466 in Gage County, Nebraska. The proceeding will be docketed as No. AB-6 (Sub-No. 391X).

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724.

January 30, 2002

Lori Carel, being first
duly sworn on oath, says that s
he/she is the Chief Clerk
of the Beatrice Daily Sun, a legal daily newspaper
printed & published in Gage County, Nebraska,
and having a bonafide circulation of more than 300
copies of each issue; that the notice, a true copy of
which is hereto attached was published in each and
every Wednesday issue of said newspaper for
1 consecutive weeks, the first
publication being on the 30th day of
January, 2002; and the last
publication being on the 30th day of
January, 2002; that said newspaper had
been published in whole or in part in the office of
said county from which distribution took place, for
more than 52 consecutive weeks prior to the
publication of said notice.

Lori Carel
Subscribed in my presence and sworn to before me
this 30th day of January, 2002.

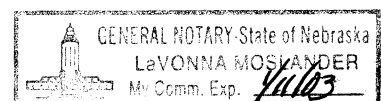
Robert Moslander
Notary Public

My commission expires 01/11/03

First week.....\$ 36.00

Subsequent weeks.....\$ _____

Total.....\$ 36.00



BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between M.P.
32.70 in Beatrice, Nebraska
and M.P. 42.16 in Wymore,
Nebraska

Docket No. AB-6
(Sub No. 391X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 32.70 near Beatrice, Nebraska and M.P. 42.16 in Wymore, Nebraska, total distance of 9.46 miles.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed abandonment should be consistent with local land use plans. The City of Beatrice has been notified and the city did not state that the abandonment is inconsistent with local land plans. See Exhibit B, November 20, 2001 letter from the City of Beatrice.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed abandonment should not affect prime agricultural land. The abandonment could allow some producers to put fields back together would enhance the farmability of some fields of good quality agricultural cropland. See Exhibit C, letter from the Cooperative Extension, University of Nebraska-Lincoln Institute of Agriculture and Natural Resources.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The City of Beatrice will not use the right of way for an alternative public use or trail. See Exhibit B, November 20 letter from the City of Beatrice.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. The proposed abandonment will eliminate 16 public crossings. There are no private crossings. During salvage operations on the line, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety

practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste site or sites where there have been known hazardous materials spills on the right of way.

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

No federally listed or proposed threatened or endangered species are expected to occur within the project area. See Exhibit D, letter from the United States Department of the Interior, Fish and Wildlife Service, see Exhibit E, letter from the Nebraska Game and Parks Commission. The wildlife habitat impact of the abandonment would be negative to neutral at best. See Exhibit C, letter from the Cooperative Extension, University of Nebraska-Lincoln Institute of Agriculture and Natural Resources.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The proposed project area does not appear to impact federal fish and wildlife management facilities. See Exhibit D, letter from the United States Department of the Interior, Fish and Wildlife Service. No state

parks/recreation or wildlife management areas are located adjacent to the corridor under review. See Exhibit E, letter from the Nebraska Game and Parks Commission. The records at the Gage County Assessor's office do not indicate wildlife sanctuaries, refuges, National or State parks or forests within the 9.46 miles of the proposed abandonment. See Exhibit F, letter from the Gage County Assessor.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

A permit would be required if there are any discharges of pollutants or water to waters of the State as defined in NDEQ Title 119. Discharges of waters or wastewaters to surface waters are generally prohibited in NDEQ Title 117. See Exhibit G, letter from the State of Nebraska Department of Environmental Quality. BNSF does not anticipate discharging any pollutants or wastewater to any waters in the State of Nebraska as a result of the proposed abandonment.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

A Section 404 permit of the Clean Water Act is not required. See Exhibit H, letter from the Department of the Army Corps of Engineers, Omaha District.

The proposed abandonment will not affect any 100-year flood plains within the City of Beatrice. See Exhibit I, November 5, 2001 letter from the City of Beatrice. The abandonment crosses the 100-year floodplain in Gage County. BNSF may be required to file an Elevation Certificate with Gage County. See Exhibit J, letter from Gage County.

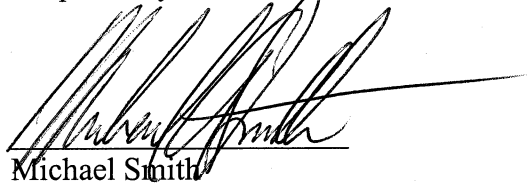
(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

If the railroad line abandonment activities involve clearing, grading or excavation on 5 or more acres, then coverage under an NPDES permit for storm water discharges will be required. See Exhibit G. letter from the State of Nebraska, Department of Environmental Quality. BNSF does not anticipate any activities involving clearing, grading or excavation on 5 or more acres as a result of the abandonment.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", is written over a horizontal line.

Michael Smith

Freeborn & Peters

311 S. Wacker Dr. Suite 3000

Chicago, Illinois 60606-6677

Phone: (312) 360-6724

Fax: (312) 360-6598

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between M.P.
32.70 in Beatrice, Nebraska
and M.P. 42.16 in Wymore,
Nebraska

Docket No. AB-6
(Sub No. 391X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P.32.70 in Beatrice, Nebraska to M.P. 42.16 in Wymore, Nebraska, a total distance of 9.46 miles.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Nebraska State Historical Society and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

The Beatrice to Wymore, Nebraska line connects the rural communities of Beatrice and Wymore through an unincorporated rural area in Gage County, Nebraska. Much of the adjoining land consists of farmland that produces feed grains. The rail line corridor in this area is generally 100 feet wide.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no railroad structures that are 50 years or older in the immediate area of the abandonment other than bridges. Photographs of the four bridges that are 50 years or older are attached to this report. See Exhibit K.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

The dates of construction of the bridges are included with the photographs. See Exhibit K.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The rail line corridor between Beatrice and Wymore, Nebraska was acquired by the Republican Valley Railroad Company in 1880 and 1881. The Republican Valley Railroad Company was a predecessor of the Chicago Burlington and Quincy Railroad Company (CBQ). In 1970 the CBQ merged with the Northern Pacific Railway, the Great Northern Railway and the Spokane Portland and Seattle Railway to become the Burlington Northern Railroad Company (BN). BN subsequently merged with the Atchison Topeka and Santa Fe Railway in 1995 to become The Burlington Northern and Santa Fe Railway Company (BNSF).

The Beatrice to Wymore line is currently in use as an overhead route. Following approval of the proposed abandonment, the overhead traffic will be re-routed via other lines in the area.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

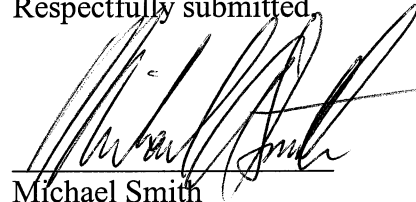
(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. BNSF is not aware of any unique sites or structures with significant historical associations. The Nebraska State Historical Society has no objections regarding the proposed abandonment. See Exhibit L.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", is written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)

The Burlington Northern and Santa Fe Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on January 22, 2002, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

L. Robert Puschendorf
Deputy State Historic Preservation Officer
State Historic Preservation Office
Nebraska State Historical Society
P.O. Box 82554
Lincoln, NE 68501-2554

U.S. Department of the Interior
National Park Service
Land Resource Division
1849 C Street, N.W.
Washington, DC 20240

Bureau of Land Management
Wyoming State Office
5353 Yellowstone Road
P.O. Box 1828
Cheyenne, WY 82003-1828

Nebraska Game and Parks Commission
Director
P.O. Box 30370
Lincoln, NE 68503-0370

Sandra Eltiste
Gage County Clerk
P.O. Box 429
Beatrice, NE 68310

Gage County Board-Supervisors
612 Grant St
Beatrice NE 68310-2949

James Bauer
City Administrator
205 N. 4th Street
P.O. Box 279
Beatrice, NE 68310

Julie Everson
Mayor of Wymore
115 W. E Street
Wymore, NE 68466

Tom Purcell
Utilities Superintendant
115 W. E Street
Wymore, NE 68466

Rex Behrends
City Engineer
City of Beatrice
205 N. 4th St.
Beatrice, NE 68310

Bruce Sackett
Nebraska Game and Parks Commission
2200 North 33rd Street
Lincoln, NE 68503

Michael Rabbe
U.S. Army Corps of Engineers
Omaha District
Nebraska Regulatory Office - Kearney
1430 Central Avenue, Suite 4
Kearney, NE 68847-6856

Dan Rosenthal
Public Transportation Engineer
Nebraska Department of Roads
PO Box 94759
Lincoln NE 68509

U.S. Fish & Wildlife Service
Regional Director
P.O. Box 25486
Denver, CO 80025

U.S. Fish & Wildlife Service
Field Supervisor
203 West Second Street
Federal Building, 2nd Floor
Grand Island, NE 68801

Jim Yeggy
NPDES Permits Unit
Water Quality Division
Nebraska Department of
Environmental Quality
1200 "N" Street, Suite 400
PO Pox 98922
Lincoln, Nebraska 68509-8822

Paul Hay
Cooperative Extension
Institute of Agriculture and Natural
Resources
University of Nebraska-Lincoln
Gage County
1115 West Scott St.
Beatrice, NE 68310

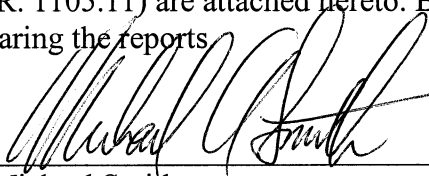
Nebraska Public Service Commission
300 The Atrium
1200 N Street
P.O. Box 94927
Lincoln, NE 68509-4927

U.S. Environmental Protection Agency
Region 7
901 North 5th St.
Kansas City, KS 66101

Steve Chick
State Conservationist
Natural Resources Conservation Service
Federal Building, 100 Centennial Mall No.
Lincoln, NE 68508-3866

Edward McKay
National Geodetic Survey
NOAA - SSMC3
1315 East-West Highway
Silver Spring, MD 20914

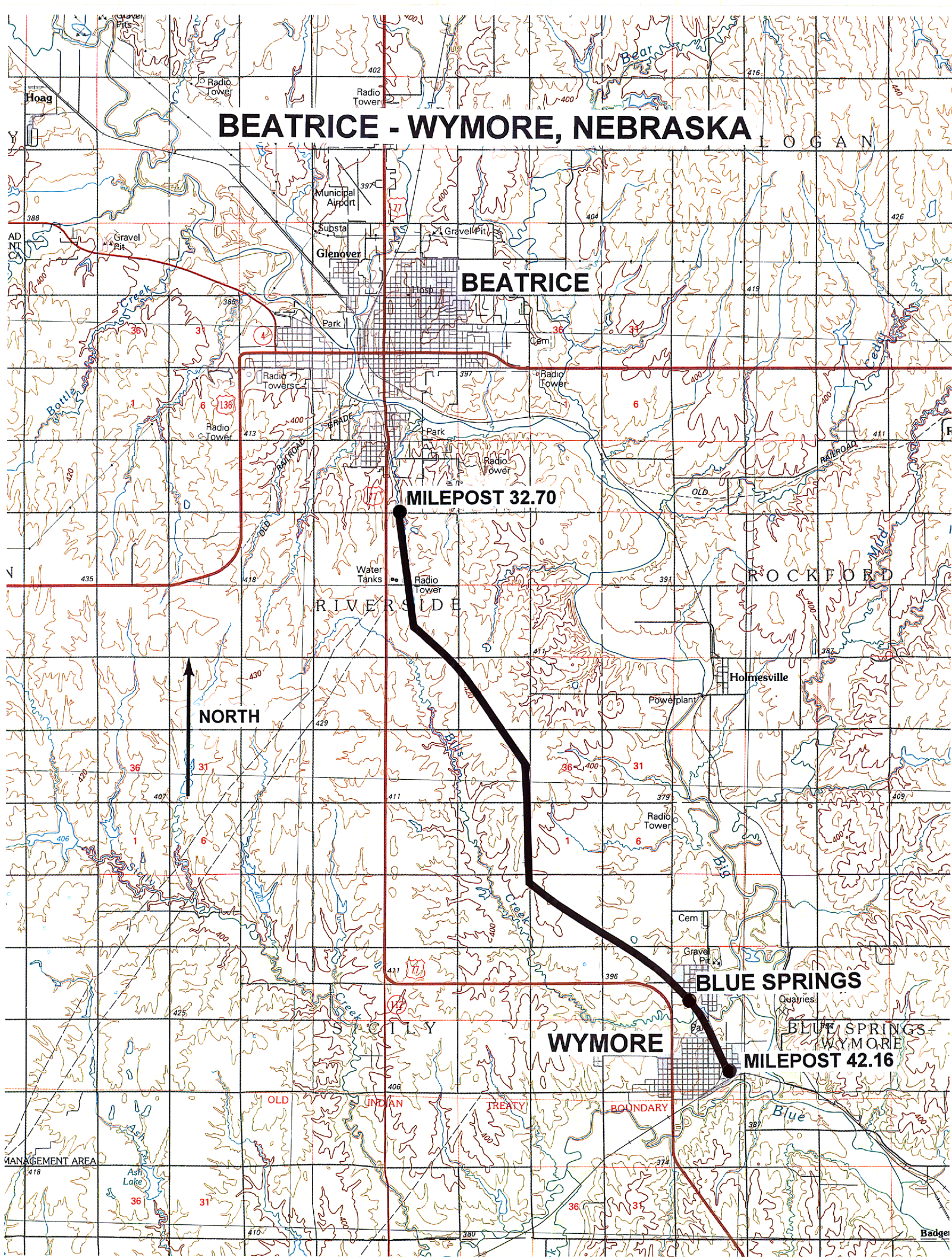
The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

A

BEATRICE - WYMORE, NEBRASKA



City of Beatrice

205 North 4th St.
Beatrice, Nebraska 68310

November 20, 2001

Brian Nettles
Freeborn & Peters Attorneys
311 South Wacker Dr., Ste. 3000
Chicago, IL 60606-6677

Subject: Burlington Northern Santa Fe Railroad Abandonment
Beatrice Nebraska to Wymore Nebraska

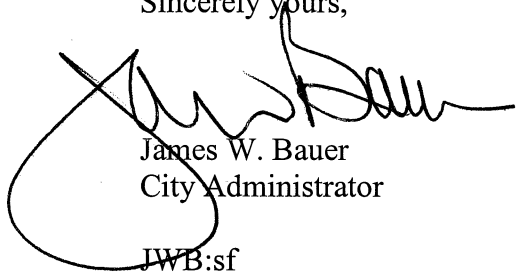
Dear Mr. Nettles:

We are in receipt of your communication dated October 29, 2001 regarding the BNSF plans to file with the Surface Transportation Board for the abandonment of 9.46 miles of railroad line between mile posts 32.0 Beatrice, Nebraska and mile post 42.16 of Wymore, Nebraska.

Your communication was forwarded to the Mayor and City Council and made part of the permanent record of the City Council of their meeting held on November 19, 2001. Informally we do not believe that there is any interest on the part of the City to use the corridor for any other alternate public uses. Subsequently we do not feel that it would be in the interest of the City to pursue this for a recreation trail or other uses.

We thank you for your notification.

Sincerely yours,


James W. Bauer
City Administrator

JWB:sf



Site of the Homestead National Monument of America

C



Cooperative Extension

University of Nebraska - Lincoln
Institute of Agriculture and Natural Resources

GAGE COUNTY
1115 West Scott
Beatrice, NE 68310-3514
(402) 223-1384



December 17, 2001

Brian Nettles
311 South Wacker Dr, Suite 3000
Chicago, IL 60606-6677

Dear Brian:

The abandonment of the Burlington Northern - Santa Fe railroad line between Lilac road, south of Beatrice and Wymore is being proposed. I have been asked on the effects this will have on agricultural land in the area.

Here are my thoughts:

Gage County does not have very much prime agricultural land. We do have quite a bit of good quality agricultural land. This rail line abandonment would allow some producers to put fields back together and would enhance the farmability of some fields of good quality agricultural cropland.

Because of the nature of this rail line, it could be reclaimed for cropland production easier than many other such lines that have been abandoned. Reclaiming would still be a long term investment for farm producers, but when combined with the larger field size and production efficiency would be worthwhile.

Good wildlife habitat is a function of feet of frontage between grass and cropland, and corridors of safe travel like rivers, creeks, and railways. The wildlife habitat impact of the abandonment would be negative to neutral at best. Neutral because some areas of rail line will not likely be reclaimed for cropland because of their proximity to the Blue River floodplain.

The overall longtime good of agricultural production will be served if full service unit train facilities are located within 25 miles of the farms. This would offer about the best price option for bulk commodity commercial grain producers in our area.

Beatrice industry in feed, construction, plastics, fertilizer, lumber supplies, iron and metal and carbon dioxide appear to be served by this proposal if it solidifies continued growth in service to Lincoln, Nebraska and the main railroad routes of the United States, Mexico, and Canada.

Sincerely,

Paul C Hay
Paul C Hay

Extension Educator

D



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

November 9, 2001

Mr. Brian Nettles
Paralegal
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Dear Mr. Nettles:

This responds to your October 30, 2001, letter requesting comments from the U.S. Fish and Wildlife Service on a proposal by the Burlington Northern and Santa Fe Railway Company to abandon 9.46 miles of railroad line between Milepost 32.70 in Beatrice, Nebraska, and Milepost 42.16 in Wymore, Nebraska. These comments are provided as technical assistance and predevelopment consultation and do not constitute a Service report under authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) on any required Federal environmental review or permit.

The Service has responsibility, under a number of authorities, for conservation and management of fish and wildlife resources. Chief among the federal statutes with which our office deals are the Coordination Act, Endangered Species Act of 1973, and the National Environmental Policy Act. The Coordination Act requires that fish and wildlife resources be given equal consideration in the planning, implementation, and operation of Federal and federally funded, permitted, or licensed water resource developments. Section 7 of the Endangered Species Act of 1973 outlines procedures for interagency consultations on the effects of Federal actions on federally listed threatened and endangered species. The Service participates in scoping and review of actions significantly affecting the quality of the environment under authority of the National Environmental Policy Act. In addition to these statutes, the Service has authority under several other legislative, regulatory, and executive mandates to promote conservation of fish and wildlife resources for the benefit of the public.

In Nebraska, the Service has special concerns for migratory birds, endangered and threatened species, and other important fish and wildlife resources. We also are concerned about any impacts on Federal and State wildlife refuges and management areas and other public lands, as well as to other areas that support sensitive habitats. Habitats frequently used by important fish and

wildlife resources are wetlands, streams, and riparian (streamside) woodlands. Special attention is given to proposed developments that include modification of wetlands, or stream alteration, or contamination of important habitats. The Service recommends ways to avoid, minimize, rectify, reduce, or compensate for damaging impacts to important fish and wildlife resources and their habitats that may be attributed to land and water resource development proposals.

We have reviewed the plans for the proposed project and offer the following comments:

- a. The proposed project does not appear to impact federal fish and wildlife management facilities.
- b. No federally listed or proposed threatened or endangered species are expected to occur within the project area.

Based upon the submitted information, we have no objection to the proposal as currently planned. However, should the plans be modified, we recommend that you reinitiate coordination with this office.

Should you have any further questions, please contact Mr. Wally Jobman within our office at (308)382-6468, extension 16. Thank you for the opportunity to offer comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Wallace D. Jobman".

Wallace Jobman
Acting Nebraska Field Supervisor

cc: NGPC; Lincoln, NE (Attn: Rick Schneider)



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / <http://www.ngpc.state.ne.us/>

November 19, 2001

Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Chicago, IL 60606-6677

RE: Burlington Northern and Santa Fe Railway Company; right-of-way abandonment; Beatrice (M.P.32.70) to Wymore (M.P. 42.16) in Gage County, NE.

Dear Mr. Nettles:

This responds to your letter of October 26, 2001 requesting review and comment for the proposed action identified above. Game and Parks Commission records and other data bases indicate no documented occurrences of threatened/endangered species or their critical habitats on or adjacent to the right-of-way under review. No state parks/recreation or wildlife management areas are located adjacent to the corridor under review. Please advise if plans are changed, or if further review is required.

Sincerely,

Frank J. Albrecht
Assistant Division Administrator
Realty/Environmental Services Division

FJA:pz

CC: Bruce Sackett

F

GAGE COUNTY ASSESSOR

612 GRANT STREET
BEATRICE, NE 68310

OFFICE - (402) 223-1308

FAX - (402) 228-2694

Assessor
Robert F. Thoma

Deputy Assessor
Patti Milligan

November 21, 2001

Mr. Brian Nettles
Paralegal
Freeborn & Peters
Attorneys at Law
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

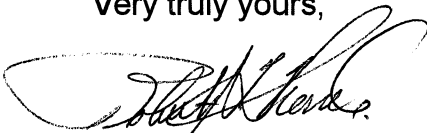
Subject: The Burlington Northern and Santa Fe Railway Company Abandonment
of Beatrice, NE to Wymore, NE

Dear Mr. Nettles:

Please refer to your letter of November 2, 2001 on the above subject.

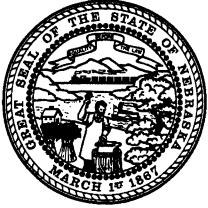
Based on the map you provided, our records do not indicate wildlife sanctuaries or
refuges, National or State parks or forests in the 9.46 miles of proposed abandonment.

Very truly yours,



Robert F. Thoma
Gage County Assessor

STATE OF NEBRASKA



Mike Johanns
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder

Director

Suite 400, The Atrium

1200 'N' Street

P.O. Box 98922

Lincoln, Nebraska 68509-8922

Phone (402) 471-2186

FAX (402) 471-2909

December 7, 2001

Brian Nettles
Freeborn & Petus
311 S. Wacker Drive, Suite 3000
Chicago, IL 60606-6677

RE: CWA §402 permit requirements for railroad line abandonment activities

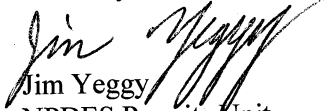
Dear Mr. Nettles:

If railroad line abandonment activities involve clearing, grading or excavation on 5 or more acres, then coverage under an NPDES permit for storm water discharges will be required. A copy of the construction storm water general permit packet is available on our web site (www.deq.state.ne.us). The CSW-NOI form contained in this packet may be used to request coverage under this permit.

I would not anticipate any additional NPDES permitting needs for the type of project you described. However, additional permit coverage could be required, if there are any discharges of pollutants or water to waters of the State, as defined in NDEQ Title 119. In addition to NPDES permitting requirements, discharges of wastes or wastewaters to surface waters is generally prohibited in NDEQ Title 117. NPDES permitted discharges are an exception to this prohibition because restrictions in the permit ensure water quality is protected.

Copies of both NDEQ Titles 117 and 119 are also available on our web site. If you have any questions, please call me at 402/471-2023.

Sincerely,


Jim Yeggy
NPDES Permits Unit
Water Quality Division



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE-KEARNEY
1430 CENTRAL AVENUE STREET, SUITE 4
KEARNEY, NEBRASKA 68847-6856

REPLY TO
ATTENTION OF:

November 15, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:


Reference is made to the request received in the Kearney Regulatory Office regarding the Burlington Northern and Santa Fe Railway Company Abandonment of Beatrice, Nebraska to Wymore, Nebraska.

After being reviewed by the Kearney Regulatory Office, your project as proposed **will not require** a Department of the Army permit since it appears that no placement of fill materials will be in waters under our jurisdiction. However, if in the future you anticipate filling or excavating activity in any waters of the United States, please provide this office with an application for review for possible permit requirements.

Although an individual Department of the Army permit pursuant to Section 404 of the Clean Water Act and/or Section 10 of the River and Harbor Act is not required for this project, this does not eliminate the requirement that you obtain other applicable Federal, state, tribal, and local permits as required.

If you have any questions regarding this matter, please feel free to contact Mr. Keith Tillotson at the above address or at (308) 234-1403 and reference **NE 01-11232**.

Sincerely,


for Michael Rabbe
Nebraska State Program Manager

City of Beatrice

205 North 4th St.
Beatrice, Nebraska 68310

November 5, 2001

Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Ste. 3000
Chicago, IL 60606-6677


Re: BN Abandonment of Beatrice, NE to Wymore, NE

Dear Brian Nettles:

The section of BN line that is being looked at for abandonment is outside the City limits, so the City of Beatrice has no control of this area.

If you have any questions, please call me at 402-228-5208. Thanks.

Sincerely,



Rex A. Behrends
City Engineer

RAB:sf



Site of the Homestead National Monument of America

Brian -

Please complete elevation
certificate and return to our
office at:

Sage Co. Clerk

P.O. Box 429

Beatrice, Ne. 68310

and then I'll get elevation figures.
Dandy 402-225-
1300



Milepost 32.79 - Built 1922 - Length 69 ft - Height 13 ft - Waterway - Ballast
Deck 85 lb bolted rail - West Side View



Milepost 32.79 - Built 1922 - Length 69 ft - Height 13 ft - Waterway - Ballast Deck
- 85 lb bolted rail - Westward View



Milepost 32.79 - Built 1922 - Length 69 ft - Height 13 ft - Waterway - Ballast Deck -
85 lb bolt rail - East Side View



Milepost 32.79 - Built 1922 - Length 69 ft - Height 13 ft - Waterway - Ballast Deck - 85 lb bolted rail - Eastward View



Milepost 39.93 - Built 1923 - Length 56 ft - Height 14 ft - Waterway - Open Deck
- 85 lb bolted rail - Top View



Milepost 39.93 - Built 1923 - Length 56 ft - Height 14 ft - Waterway - Open Deck -
85 lb bolted rail - West Side View



Milepost 39.93 - Built 1923 - Length 56 ft - Height 14 ft - Waterway - Open Deck
- 85 lb bolted rail - Westward View



Milepost 39.93 - Built 1923 - Length 56 ft - Height 14 ft - Waterway - Open Deck
- 85 lb bolted rail - East side View



Milepost 39.93 - Built 1923 - Length 56 ft - Height 14 ft - Waterway - Open
Deck - 85 lb bolted rail - Eastward View



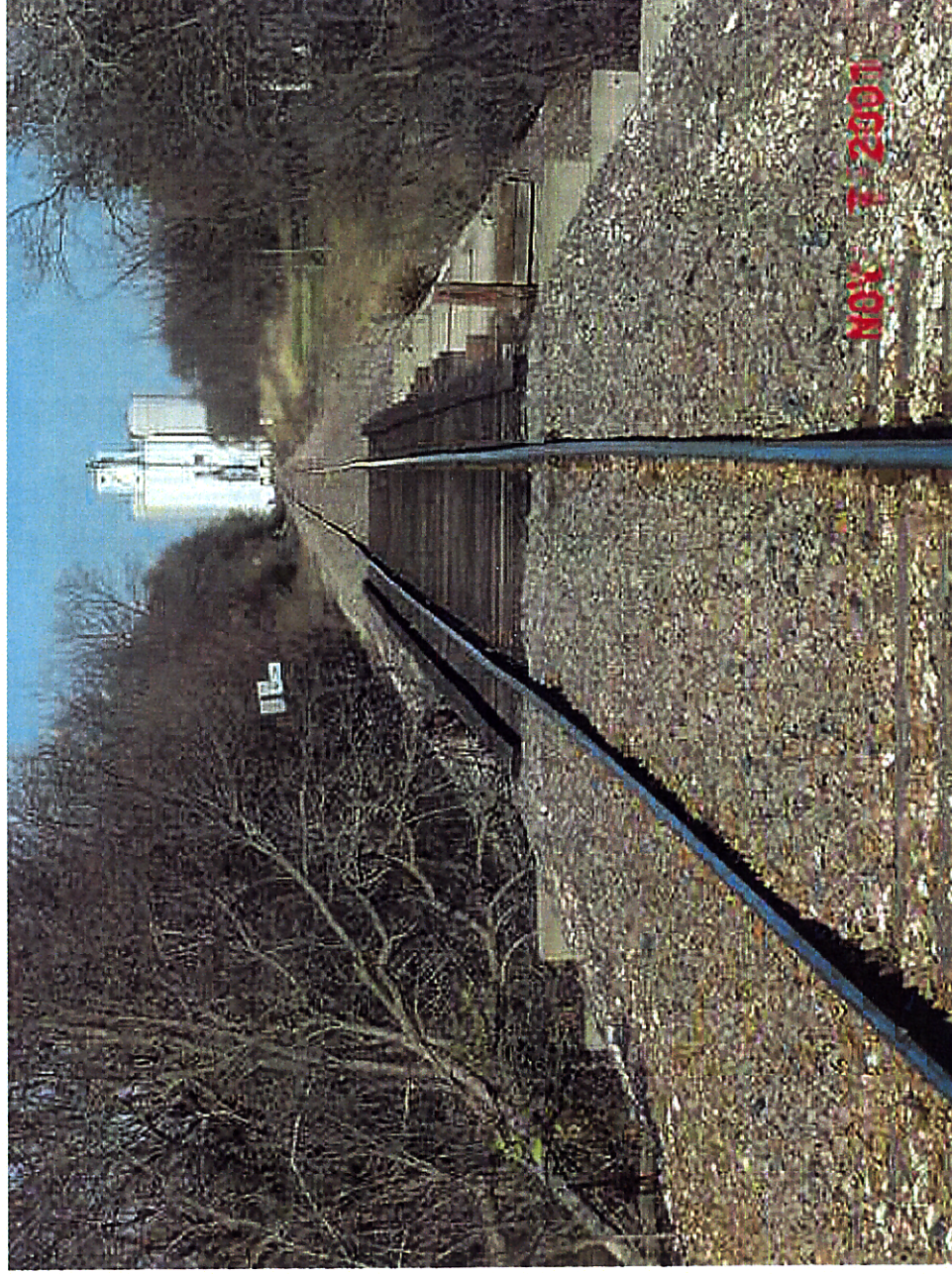
Milepost 41.36 - Built 1931 - Length 119 ft - Height 32 ft - Waterway - Open Deck - 85 lb bolted rail - West side View



Milepost 41.36 - Built 1931 - Length 119 ft - Height 32 ft - Waterway - Open Deck
- 85 lb bolted rail - Westward View



Milepost 41.36 - Built 1931 - Length 119 ft - Height 32 ft - Waterway - Open Deck -
85 lb. Bolted rail - East Side View



Milepost 41.36 - Built 1931 - Length 119 ft - Height 32 ft - Waterway - Open
Deck - 85 lb. Bolted rail - Eastward View



Milepost 42.16 - Built 1930 - Length 42 ft -Height 10 ft - Walkway under
Bridge - Open Deck - C.W.R. 112 lb rail - Looking Eastward.



Milepost 42.16 - Built 1930 - Length 42 ft - Height 10 ft - Walkway under Bridge - Open Deck - East Side View.



Milepost 42.16 - Built 1930 - Length 42 ft - Height 10 ft - Walkway under Bridge -
Open Deck - CWR 112 lb. TR rail - West side View.



NEBRASKA STATE HISTORICAL SOCIETY

1500 R STREET, P.O. BOX 82554, LINCOLN, NE 68501-2554
(402) 471-3270 Fax: (402) 471-3100 1-800-833-6747 www.nebraskahistory.org

December 18, 2001

Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

RE: Burlington Northern & Santa Fe Railway Company Abandonment
of Beatrice, Nebraska to Wymore, Nebraska
HP #0111-131-01

Dear Mr. Nettles:

We have reviewed the proposed project and have no objections to the plans as they are presented at this time. If there are any changes, please notify our office. Thank you for your cooperation.

Sincerely,

L. Robert Puschendorf
Deputy State Historic Preservation Officer